

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 66)

Applicant's or agent's file reference
20402229KC

Date of mailing
(day/month/year) 25/05/06

REPLY DUE within TWO WEEKS

from the above date of mailing

International application No.

PCT/SG2004/000382

International filing date (day/month/year)

24 November 2004

Priority date (day/month/year)

27 November 2003

International Patent Classification (IPC) or both national classification and IPC

INT. CL.

G06F 19/00 (2006.01)

G06F 17/30 (2006.01)

G09B 5/02 (2006.01)

ACTION DATE: 25 MAY 2006

Applicant

AGENCY FOR SCIENCE, TECHNOLOGY AND RESEARCH et al

1. ☒ The written opinion established by the International Searching Authority:

☒ is

☐ is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This third: (second, etc.) opinion contains indications relating to the following items:

☒ Box No. I Basis of the opinion

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☒ Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the Final Date by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. If no response is filed by 1 month before the Final Date, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the Final Date by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.

For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bts. For an informal communication with the examiner, see Rule 66.6.

4. The FINAL DATE by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 27 March 2006

Name and mailing address of the IPEA/AU

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Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-18,35	YES
	Claims 19-34	NO
Inventive step (IS)	Claims	YES
	Claims 1-35	NO
Industrial applicability (IA)	Claims 1-35	YES
	Claims	NO

2. Citations and explanations:

- D1: *The RSNA MIRC Authoring Tool MIRCat Release Alpha-4*
- D2: A. Rosset et al, *Integration of a Multimedia Teaching and Reference Database in a PACS Environment*
- D3: E. Weinberger et al, *MyPACS.net: A Web-Based Teaching File Authoring Tool*
- D4: CA 2,244,549 A1 (HENRI et al)
- D5: US 2003/0208477 A1 (SMIRNIOTPOULOS et al)
- D6: E. Siegel et al, *Electronic Teaching Files: Seven-Year Experience Using a Commercial Picture Archiving and Communication System*
- D7: T. Lim et al, *MIRIP (Medical Image Repository Interface with PACS): A Neuroradiology MIRC Database*, presentation abstract
- D8: *The MIRCdocument Schema, Version 8.0*

NOVELTY (N) and INVENTIVE STEP (IS) claims 1-35

Claims 1-18 and 35: These claims lack inventive step in light of D1, D2, D3 and D5. The invention of claim 1 is distinguished from each of these documents only by its use of an anonymisation code to replace each item of patient sensitive information. (All the identified citations disclose the anonymisation of patient data in some form.) While you have argued that this difference constitutes an inventive step because "the feature is not a well known aspect of PACS and MIRC servers," and that "sensitive information is usually encrypted as a whole," I find this argument to be unpersuasive. The use of anonymisation codes cannot be seen to be inventive, since it merely replaces the sensitive data with a random code by which an authorised person may retrieve the sensitive data. Techniques such as this are commonplace in the larger arena of database design, and a person skilled in the art would readily access this knowledge when implementing any of the cited systems. As previously discussed, the claims which depend on claim 1 are seen to lack inventive step when their features are not already disclosed in the cited art.

(Continued in supplemental box.)

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 19 is not fully supported by the description, since it defines no working inter-relationship between the integers of the claim.

In claim 22, there is not antecedent to "the image server."

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V, item 2

Claims 19-34: These claims still lack novelty and/or inventive step in comparison to document D1, which discloses a database (the directory structure containing the teaching files; the "DICOM Store"), an image retrieval interface ("DICOM Q/R Tab"), a MIRC server ("Export Site") and a graphical user interface (screenshots).

Claim 19, at least: This claim is still seen to lack novelty in comparison to D7, which discloses a database ("neurological disease databases"), an image retrieval interface ("Picture Archive and Communications System"), a MIRC server ("MIRC," the presence of a server is implicit) and a graphic user interface (Windows or other OS on which the system runs).

Claims 19-34: Each of D2, D3 and D5, when combined with D8, discloses all the essential features of the claimed invention. A skilled addressee would readily make the above combinations, since the MIRC schema described in D8 is aimed at standardising systems of the type described in D2-D6. The first group of documents discloses an image retrieval interface (PACS) and personal database for images of various formats, and a graphical user interface; D8 discloses a MIRC server.